

Permit No: GP-41

Effective Date:

Expiration Date: (5 years)

Applicant: General Public - State of Connecticut & lands located within the exterior boundaries of an Indian Reservation.

**DEPARTMENT OF THE ARMY
PROGRAMMATIC GENERAL PERMIT
STATE OF CONNECTICUT
&
Lands Located Within the Exterior
Boundaries of an Indian Reservation¹**

The New England District of the U.S. Army Corps of Engineers hereby issues a programmatic general permit (PGP) that expedites review of minimal impact work in coastal and inland waters and wetlands within the State of Connecticut and lands located within the exterior boundaries of an Indian reservation. Activities with minimal impacts as specified by the terms and conditions of this PGP and the attached DEFINITION OF CATEGORIES sheets, meet either Category I (eligible without screening, non-reporting), or Category II (may be eligible, determination of eligibility made during a screening meeting by the Corps, representatives of the Federal resource agencies, and the Connecticut Department of Environmental Protection.) In both cases, the PGP is valid only after the applicant receives all of the necessary state and local approvals listed under the Procedures section below. The Corps individual permit review process, and activities exempt from Corps jurisdiction are not affected by this PGP.

ACTIVITIES COVERED: Work and structures identified in the attached Definition of Categories sheets that are located in, or that affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899), and the discharge of dredged or fill material into waters of the United States, including wetlands (regulated by the Corps under Section 404 of the Clean Water Act) are eligible under this PGP.

¹ Indian reservation lands are considered a sovereign nation, and are therefore acknowledge separately from the State of Connecticut for purposes of this PGP.

PROCEDURES:

A. State and Local Approvals:

When any of the following state or local approvals are required for activities eligible under this PGP, such approvals must be obtained in order for this PGP authorization to be valid. (Refer also to PGP Condition No. 1 on page 8)

(1) Inland Wetlands and Watercourses Permit under the Inland Wetlands and Watercourses Act (Connecticut General Statutes (CGS) Sections 22a-36 to 22a-45(a), inclusive),

(2) Water Diversion Permit under the Connecticut Water Diversion Policy Act (CGS Sections 22a-365 to 22a-378(a), inclusive),

(3) Stream Channel Encroachment Lines Permit (CGS Sections 22a-342 to 22a-349(a), inclusive),

(4) Dam Safety Construction Permit (CGS Sections 22a-401 to 22a-411, inclusive),

(5) Structures, Dredging and Filling Permit (CGS Sections 22a-359 to 22a-363f, inclusive),

(6) Tidal Wetlands Permit under the Tidal Wetlands Act (CGS Sections 22a-28 to 22a-35a inclusive),

(7) Certificate of Permission (CGS Sections 22a-98 and 22a-359 to 22a-363f inclusive),

(8) Long Island Sound General Permits (CGS Sections 22a-28 to 22a-35 and Sections 22a-359 to 22a-363f inclusive),

(9) Marine and Land-based aquaculture activities, including associated structures, regulated by the Department of Agriculture (Public Act 99-93, Substitute House Bill 5876),

B. State Administered Federal Laws:

(10) Water Quality Certification (WQC) under Section 401 of the Federal Clean Water Act (33 U.S.C. Sec. 1341). Section 401(a)(1) of the Clean Water Act requires applicants to obtain a water quality certification or waiver from the state water pollution control agency (CT DEP or EPA for Indian reservation lands) to discharge dredged or fill materials into waters of the U.S.

On (date,) CT DEP granted WQC for activities in inland waters and wetlands for Category I activities; and may conditionally grant WQC for Category II activities for those projects involving between 3,000 and 5,000 square feet of fill and for bank stabilization projects involving between 200 and 500 linear feet of impact, and conditionally granted WQC for all other Category II activities, provided the applicant obtains the required authorizations listed under PGP Section A Items (1-4), and CT DEP finds through applicant submission or through the Category II federal/state screening meeting that the activity is reasonably likely to have minimal or no impact on water quality.

On (date) EPA issued WQC for Category I and II activities that are located on Indian reservation lands and authorized under this PGP.

As a result, a separate WQC application is not required for any of the above activities unless the Corps notifies the applicant. The Corps will notify the applicant regarding CT DEP's WQC determination for Category II activities in inland waters and wetlands within 45 days of the Federal/state screening meeting if no further information is required.

For Category I and II activities in tidal, coastal and navigable waters, the PGP is not valid until and unless CT DEP Office of Long Island Sound Programs (OLISP) authorization is granted. CT DEP authorizations for individual activities in tidal, coastal and navigable waters include a substantive evaluation by OLISP regarding consistency with state water quality standards. As a result, a WQC is inherent in the OLISP permit process under Section A approvals numbers (5), (6), and (7) and a separate WQC application is not required for these activities.

(11) Coastal Zone Management Consistency (CZM) Concurrence under Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

Section 307(c) of the Coastal Zone Management Act of 1972, as amended, requires applicants to obtain a certification or waiver from CT DEP that the activity complies with the state's coastal zone management program for activities affecting a state's coastal area.²

CT DEP authorizations for individual activities in the state's coastal area include a substantive evaluation by the Office of Long Island Sound Programs (OLISP) regarding consistency concurrence with the coastal zone management program. As a result, CZM consistency concurrence is inherent in the OLISP permit process under Section A (5), (6), (7) and (8) of this PGP, and a separate application is not required for these activities.

² The state's Coastal Area is statutorily defined as: all lands and waters within the municipalities of Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield, Bridgeport, Stratford, Shelton, Milford, Borough of Woodmont, Orange, West Haven, New Haven, Hamden, North Haven, East Haven, Branford, Guilford, Madison, Clinton, Westbrook, Deep River, Chester, Essex, Borough of Fenwick, Old Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London, Montville, Norwich, Preston, Ledyard, Groton (city, Town and Long Point Borough) and Stonington (Town and Borough) [Section 22a-94(a) CGS].

C. Corps Authorizations:

PGP authorizations consist of both Category I and II type activities. Eligibility, application and screening procedures described below for these Categories are contingent on State programs and procedures currently in place, as well as agreements with Indian tribes for projects on lands located within the exterior boundaries of an Indian reservation. If there are changes in any of these programs that may affect the terms and conditions of the PGP (prior to its expiration date), then modifications to this PGP may be necessary. The Corps will determine this in coordination with the Federal and state resource agencies at the time any changes occur.

CATEGORY I (Non-reporting/Minimal Impacts)

Eligibility - Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that are subject to Corps jurisdiction and meet the definition of Category I on the Definition of Categories sheets (attached), as well as all of the other conditions of this PGP, do not require separate application to the Corps.

Category I is non-reporting for activities located on lands within the exterior boundaries of an Indian reservation³ or activities that are regulated by the CT DEP (Office of Long Island Sound Programs/Inland Water Resources Division) or the Connecticut municipal inland wetlands agencies. Activities not regulated by either of these agencies or located on lands within the exterior boundaries of an Indian reservation will be subject to the Category II screening requirements of this PGP.

Note that the review thresholds under Category I apply to single and complete projects only (see condition 5). Also note that Category I does not apply to projects occurring in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System (see condition 10, and page 16 for the listed river in Connecticut). There are also restrictions on other national lands as well as concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6 through 13 under Section C below.

Although Category I projects are non-reporting, the Corps reserves the right to require individual permit review if there are concerns for the aquatic environment or any other factor of the public interest that may come to our attention (See condition 4 on Discretionary Authority.)

³ A tribes wetlands rules and regulations must be acknowledged by the Corps as adequate to ensure minimal impacts to the aquatic resources. Category II screening is required otherwise.

CATEGORY II (Reporting/Minimal Impacts)

Eligibility - Activities in Connecticut and lands located within the exterior boundaries of an Indian reservation that are subject to Corps jurisdiction and appear to meet the definition of Category II on the Definition of Categories sheets (attached), will be reviewed at Federal/state joint screening meetings to determine whether such activities may be eligible under this PGP. To be eligible, an activity must meet all the terms and conditions of the PGP, and result in minimal impacts to the aquatic environment. Note that review thresholds under Category II apply to single and complete projects only (see condition 5.)

Category II projects which occur in a component of, or within 0.25 mile up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System will be coordinated with the National Park Service (see condition 10, and page 16 for listed river in Connecticut). There are also restrictions on other national lands as well as concerns which must be met in order for projects to be eligible for authorization under this PGP. Refer to special conditions 6-13 under Section C below.

Category II Application and Screening Procedures for activities regulated under the CT DEP's Office of Long Island Sound Programs (OLISP). (Work affecting tidal wetlands and tidal, coastal or navigable waters pursuant to the authorities listed under numbers 5, 6, 7, 8, 10 and 11 of Section A of this PGP.)

The CT DEP, OLISP will send copies of Certification of Permission (COP) application packages, COPs, GPs, Tentative Determinations and Structures and Dredging Permits to the Corps of Engineers on a weekly basis. If a project meets Category I, the Corps will enter the information on a database and no further action is required. For projects involving dredging with open water disposal, applicants must send the required information listed on the attached list of additional information to the CT DEP, OLISP and the Corps. This information is necessary for determining the suitability of the material to be dredged with respect to the requested disposal site and will also be reviewed at the screening meeting.

State application packages, COPs and tentative determinations for these activities will be screened by the Corps, the Federal resource agencies, and CT DEP. The Federal resource agencies include the U.S. Fish and Wildlife Service (FWS), the U.S. Environmental Protection Agency (EPA) and the National Marine Fisheries Service (NMFS). CT DEP will comment on lands located within the exterior boundaries of an Indian reservation only when they have jurisdiction under federal law. The screening meetings are usually held on the first Wednesday of the month and will most always occur during the state's tentative determination public notice period or during their Certificate of Permission review period.

At the screening meeting, the Corps will determine independently, or in conjunction with CT DEP or the federal resource agencies, if Category II applications: (1) require additional information; (2) are eligible under the PGP as proposed; (3) are ineligible under the terms and/or conditions of this PGP; (4) will require project modification, mitigation or other special conditions to minimize impacts and protect the aquatic environment to be eligible for this PGP; or 5) require individual permit review irrespective of whether the terms and conditions of this PGP are met, based on concerns for the aquatic environment or any other factor of the public interest (see Condition 4 on Discretionary Authority.)

If the activity is eligible for the PGP as determined by the Federal/state screening meeting, then a Corps PGP authorization will be sent directly to the applicant. If the activity is not eligible, then the Corps will contact the applicant to discuss concerns raised. In either case, the Corps will notify the applicant within 45 days of the Federal/state screening meeting.

Category II Application and Screening Procedures for activities regulated by the CT DEP Inland Water Resources Division as well as activities NOT regulated under the Office of Long Island Sound Programs. (Work affecting inland waters/waterways and wetlands, waters of the United States, as well as activities exempt from state review such as Metro North rail, or activities located on lands within the exterior boundaries of an Indian reservation within a coastal area.)

A separate Corps application form (ENG Form 4345) is required for these activities. Applicants must submit 4 copies of the application and the CT DEP addendum (attached) to the Corps of Engineers, New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751, telephone number 1-978-318-8335, or toll free from Connecticut at 1-800-343-4789. To expedite the review process, the Corps will then send three copies of the application package to CT DEP, Bureau of Water Management, Inland Water Resources Division and to CT DEP, OLISP for state exempt and Indian land activities in a coastal area. **NOTE:** It is very important that applicants supplement the ENG 4345 Application Form with appropriate and adequate drawings that accurately illustrate the work described.

All drawings should be submitted on 8-1/2 x 11 inch white paper and include a vicinity map, plan view, and elevation/cross section views of the activity. Since drawings must be reproduced, heavy dark lines should be used with no color shading. All jurisdictional boundaries must be clearly delineated. Refer to the Corps New England District's "Guide for Permit Applicants" publication for a complete description of sample drawing requirements. Failure to submit the appropriate information could result in processing delays and/or administratively closing of the file. The CT DEP, Inland Water Resources Division has 60 days from receipt of a complete application to make a determination on their water quality certification.

Applicants must also ensure that the following supplemental information required by the Corps is submitted with the application:

1. documentation of federal wetland delineation,
2. documentation of coordination with the Connecticut Historical Commission.

CT DEP, Inland Water Resources Division will review the activity for compliance with state water quality standards (fill activities), and CZM consistency with the state's coastal program (coastal area projects) that are not already being reviewed by OLISP under the authorities listed in Section A (5, 6, 7, 8, 10 and 11) of this PGP. The joint screening meetings will occur for all Category II activities. Screening meetings will be held regularly either at the Corps or CT DOT offices. Representatives from the CT DEP, the Corps, the EPA, the FWS, and the NMFS will have opportunity to attend and comment.

At the Federal/state screening meeting, the Corps will determine independently, or in conjunction with CT DEP or federal resource agencies, if Category II applications: (1) require additional information; (2) are eligible under the PGP as proposed; (3) are ineligible under the terms and/or conditions of this PGP; (4) will require project modification, mitigation or other special conditions to minimize impacts and protect the aquatic environment to be eligible for this PGP; or 5) require individual permit review irrespective of whether the terms and conditions of this PGP are met, based on concerns for the aquatic environment or any other factor of the public interest (see Condition 4 on Discretionary Authority.)

If any one of the agencies expresses and identifies a concern related to the aquatic environment within their area of expertise within the specified time frame, the Corps will contact the applicant to discuss the concerns raised. If the applicant is unable to resolve the concerns, the Corps, independently or at the request of either the CT DEP or one of the Federal Resource Agencies, will require an individual permit for the activities. The applicant will be notified of this in writing, and provided information about submitting the necessary application materials

All PGP eligibility determinations will be made within 45 days from the date of the Federal/state screening meeting, unless additional information is required.

Coordination Procedures with the Federal Resources Agencies for ALL Category II Projects:

The comments from the Federal resource agencies to the Corps may be verbal initially, or must be made within 10 working days of the screening meeting. These comments must be confirmed in writing, by Branch Chief or Field Supervisor, within 10 calendar days of the verbal response if the Federal Resource Agency (ies) expresses a concern whereby the Corps will require an individual permit. Federal resource agency comments must be

clearly identified and reflect a concern related to the aquatic environment within their area of expertise, state the species or resources that could be impacted by the activities, and describe the impacts that either individually or cumulatively will be more than minimal. The Corps will coordinate these comments with the applicant in a timely manner.

Category II projects may not proceed until written notification is received from the Corps. This written approval will be in the form of a Corps PGP authorization letter sent directly to the applicant.

INDIVIDUAL PERMIT

Work that is in the INDIVIDUAL PERMIT category as listed the attached DEFINITION OF CATEGORIES sheets, or that does not meet the terms and conditions of either Category I or Category II of this PGP, will require an application for an individual permit to the Corps of Engineers (see 33 CFR Part 325.1). The screening procedures outlined above will only serve to delay individual permit review in such cases. The applicant should submit the appropriate application materials (including the Corps application form) at the earliest possible date. General information and application forms can be obtained by calling the Corps New England District at 1-800-343-4789 (outside Massachusetts) and 1-800-362-4367 (within Massachusetts). Individual WQC and/or CZM consistency concurrence will be required from the CT DEP.

C. Programmatic General Permit Conditions:

The following conditions apply to activities authorized under this PGP, including all Category I (non-reporting) and Category II (screening) activities:

GENERAL REQUIREMENTS:

- 1. Other Permits.** Authorization under this general permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- 2. Applicability of this general permit shall be evaluated with reference to Federal jurisdictional boundaries.** Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at Title 33 CFR 328-329.
- 3. Minimal Effects.** Projects authorized by this general permit shall have minimal individual and cumulative adverse environmental impacts as determined by the Corps.
- 4. Discretionary Authority.** Notwithstanding compliance with the terms and conditions of this permit, the Corps of Engineers retains discretionary authority to require an application for an individual permit for any project based on concerns for the aquatic

environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposed activity warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project, that is not already covered by the remaining conditions of the PGP, that warrants greater review. Whenever the Corps notifies an applicant that an individual permit may be required, authorization under this general permit is void, and no work may be conducted until the individual Corps' permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this general permit.

5. Single and Complete Projects. This general permit shall not be used for piecemeal work and shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. All planned phases of multi-phased projects shall be treated together as constituting one single and complete project. This general permit shall not be used for any activity that is part of an overall project for which an individual permit is required. Note that modifications to State permits do not constitute a separate project.

NATIONAL CONCERNS:

6. Historic Properties. Any activity authorized by this general permit shall comply with Section 106 of the National Historic Preservation Act. Information on the location and existence of historic resources can be obtained from the Connecticut Historical Commission and the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall immediately notify the District Engineer.

7. National Lands. Activities authorized by this general permit shall not impinge upon the value of any National Wildlife Refuge, National Forest, or any other area administered by the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service.

8. Endangered Species. No activity is authorized under this general permit which may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which is likely to destroy or adversely modify the critical habitat of such species; or which would result in a "take" of any threatened or endangered species of fish or wildlife, or which would result in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants. Applicants shall notify the Corps if any listed species or critical habitat is in the vicinity of the project and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their

critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (addresses attached, page 16).

9. Essential Fish Habitat. As part of the PGP screening process, the Corps will coordinate with the National Marine Fisheries Service (NMFS) in accordance with the 1996 amendments to the Magnuson-Stevens Fishery and Conservation Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “essential fish habitat,” and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding and growth to maturity.” Applicants may be required to notify the Corps if Essential Fish Habitat (EFH), as designated by the New England or Middle-Atlantic Fishery Management Councils, is present in the vicinity of the proposed project or describe and identify potential impacts to EFH based upon the location of the project, the activity proposed, and the species present. The EFH designation for Atlantic salmon within the State of Connecticut includes all tributaries to the extent that they are currently or were historically accessible for salmon migration. Specifically, the mainstem Connecticut River, Farmington River, and Salmon River. Conservation recommendations made by the NMFS will normally be included as a permit requirement by the Corps. Information on the EFH designations can be obtained from the NMFS (50 CFR Part 600), at the address listed on page 16.

10. Wild and Scenic Rivers. Any activity that occurs in a component of, or within 0.25 miles up or downstream of the main stem or tributaries of a river segment of the National Wild and Scenic River System, must be reviewed by the Corps under the procedures of Category II of this PGP regardless if it meets the Category I size of impact thresholds. This condition applies to both designated wild and scenic rivers and rivers designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. The Corps will consult with the National Park Service (NPS) with regard to potential impacts of the proposed activity on the resource values of the wild and scenic river. The culmination of this coordination will be a determination by the NPS and the Corps that the work: (1) may proceed as proposed; (2) may proceed with recommended conditions; or (3) could pose a direct and adverse effect on the resource values of the river, and an individual permit is required. If preapplication consultation between the applicant and the NPS has occurred whereby the NPS has made a determination that the proposed activity is appropriate for authorization under the PGP (with respect to wild and scenic river issues), this determination should be furnished to the Corps with submission of the application. The address of the NPS can be found on Page 16 of this permit.

11. Federal Navigation Project. Any structure or work that extends closer to the horizontal limits of any Corps navigation project than a distance of three times the project’s authorized depth shall be subject to removal at the owner’s expense prior to any future Corps dredging or the performance of periodic hydrographic surveys.

12. Navigation. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

If future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

13. Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this general permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

MINIMIZATION OF ENVIRONMENTAL IMPACTS:

14. Minimization. Discharges of dredged or fill material into waters of the United States shall be avoided and minimized to the maximum extent practicable.

15. Work in Wetlands. Heavy equipment working in wetlands shall be avoided if possible and if required shall be placed on mats to minimize soil and vegetation disturbance. Disturbed areas in wetlands shall be restored to preconstruction contours upon completion of the work.

16. Temporary Fill. Temporary fill in waters and wetlands authorized by this general permit (e.g. access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in tidal, navigable or inland waters of the United States shall consist of a material that minimizes impacts to water quality (e.g. sandbags or clean, gravel and/or stone). Temporary fill in wetlands shall be placed on geotextile fabric that is laid on the existing wetland grade. Temporary fills shall be disposed of at an upland site and suitably contained to prevent erosion and/or transport to a waterway or wetland. Temporary fill areas shall be restored to their original elevations. No temporary fill shall be placed in waters and/or wetlands unless specifically authorized by the Corps.

17. Sedimentation and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile silt fences or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. These devices shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work, and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

18. Waterway Crossings. (a) All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, and to maintain existing low flows, and so as not to obstruct the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction. (b) No open trench excavation shall be allowed in flowing waters unless a special condition is added that precludes this as a result of a Category II screening meeting. (c) Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams (note: areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this general permit). (d) For projects that otherwise meet the terms of Category I, in stream construction work shall be conducted during the low flow period July 1 – September 30 in any year; projects that are not to be conducted during that time period are ineligible for Category I and shall be screened pursuant to Category II, regardless of the waterway and wetland fill and/or impact area.

19. Discharge of Pollutants. All activities involving any discharge of pollutants into waters of the United States authorized under this general permit shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this permit, the authorized work shall be modified to conform with these standards within 6 months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the Environmental Protection Agency. Applicants may presume that state water quality standards are met with issuance of the Section 401 Water Quality Certification (Applicable only to the Section 404 activity).

20. Spawning Areas. Discharges into known: a) fish and shellfish spawning or nursery areas; and b) amphibian and waterfowl breeding areas, during spawning or breeding seasons shall be avoided, and impacts to these areas shall be minimized to the maximum extent practicable during all other times of the year.

21. Storage of Seasonal Structures. Coastal structures such as pier sections, floats, etc., that are removed from the waterway for a portion of the year shall be stored in an upland location, located above mean high water and not in a vegetated wetland.

22. Environmental Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much as is practicable, and to minimize any adverse impacts on, existing fish, and wildlife, and natural environmental values and to discourage the establishment or spread of plant species identified as non-native invasive species by any federal or state agency.

PROCEDURAL CONDITIONS:

23. Inspections. The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The District Engineer may also require post-construction engineering drawings for completed work, and post-dredging survey drawings for any dredging work. **To facilitate these inspections, the attached work notification form shall be filled out and returned to the Corps for all Category II projects.**

24. Maintenance. The permittee shall maintain the work or structures authorized herein in good condition, including maintenance to ensure public safety. Note that this does not include maintenance of dredging projects. Maintenance dredging is subject to the review thresholds described on the attached DEFINITION OF CATEGORIES sheets and/or any conditions included in a written Corps authorization.

25. Property Rights. This permit does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of federal, state, or local laws or regulations.

26. Modification, Suspension, and Revocation. This permit may either be modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7; and any such action shall not be the basis for any claim for damages against the United States.

27. Restoration. The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former conditions, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

28. Special Conditions. The Corps may impose other special conditions on a project authorized pursuant to this general permit that are determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. These may be based on concerns from CT DEP or Federal resource agency. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties or restoration.

29. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under this permit, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the permit shall not be valid, and the U.S. government may institute appropriate legal proceedings.

30. Abandonment. If the permittee decides to abandon the activity authorized under this general permit, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the District Engineer.

31. Enforcement cases. This general permit does not apply to any existing or proposed activity in Corps jurisdiction associated with a Corps of Engineers or EPA enforcement action, until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action.

DURATION OF AUTHORIZATION/GRANDFATHERING:

32. Duration of Authorization. Activities authorized under this general permit that have commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will remain authorized provided the activity is completed within twelve months of the date of this general permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities completed under the authorization of this PGP will continue to be authorized after this PGP expires.

33. Previously Authorized Activities.

a) Projects that have received written authorization from the Corps prior to issuance of this general permit, under the previous Connecticut PGP, shall remain authorized as specified in each authorization.

b) Non-reporting Category I permit activities which have commenced, (i.e. are under construction or are under contract to commence), prior to the issuance date of this general permit remain authorized provided the activity is completed within twelve months of the date of issuance of this PGP. These activities are still subject to discretionary authority on a case-by-case basis in accordance with Condition 4. The

applicant must be able to document to the Corps' satisfaction that the project was under construction or contract by the appropriate date.

c) Activities authorized pursuant to 33 CFR Part 330.3 (activities occurring before certain dates) are not affected by this general permit.

DISTRICT ENGINEER

DATE

CONTACTS FOR CT PROGRAMMATIC GENERAL PERMIT:

U.S. Army Corps of Engineers

New England District, Regulatory Branch
696 Virginia Road
Concord, Massachusetts 01742-2751
1(800) 343-4789 or 1(978) 318-8335
Fax # 978-318-8303

National Park Service

National Park Service
North Atlantic Region
15 State Street
Boston, Massachusetts 02109
(617) 223-5203

Federal Endangered Species:

U.S. Fish and Wildlife Service
P.O. Box
Charlestown, Rhode Island 02813
1(401) 364-9124

Federal Endangered Species & Local EFH

National Marine Fisheries Service -
Habitat Division
212 Rogers Avenue
Milford, Connecticut 06460
1(203) 783-4228

State Endangered Species:

Dept. of Environmental Protection
Bureau of Environmental Services
Natural Resources Center
Natural Diversity Data Base
79 Elm Street
Hartford, Connecticut 06106-5127
1(860) 566-3005

Regional EFH Coordinator

National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930
Phone: (978) 281-9102
Fax: (978) 281-9301

CT Dept. of Environmental Protection

Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127
1(860) 424-3034

Bureau of Water Management
Inland Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127
1(860) 424-3019

Department of Agriculture
Bureau of Aquaculture
P. O. Box 97
190 Rogers Avenue
Milford, Connecticut 06460

Archaeological Information

State Historic Preservation Officer
Connecticut Historical Commission
59 South Prospect Street
Hartford, Connecticut 06106
1(860) 566-3005

Listed Wild and Scenic River in Connecticut:

National Wild/Scenic Rivers System (Designated River in Connecticut):

FARMINGTON RIVER - The 14-mile segment of the West Branch and main stem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland CT, to the downstream end of the New Hartford-Canton, CT, town line.